

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **MAIL STOP** _____
Sebastiano Scarampi et al.) Group Art Unit: 1612
Application No.: 10/887,466) Examiner: June Marie Rogers
Filed: July 7, 2004) Confirmation No.: 1062
For: GILSONITE DERIVED)
PHARMACEUTICAL DELIVERY)
COMPOSITIONS AND METHODS:)
NAIL APPLICATIONS)
)

**DECLARATION UNDER 37 C.F.R. 1.132
OF GARY DAVID FISHER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

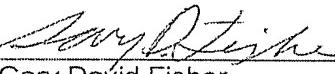
1. I, Gary David Fisher, submit this Declaration in support of related U.S. patent application nos. 10/887,466 and 10/751,276.
2. I am the same Gary David Fisher who previously submitted a Declaration in these cases.
3. Since 1999, I have had oversight responsibility for manufacturing and quality control of Gilsonite oil.
4. Gilsonite oil is a product of Gilsonite ore. However, it is present in the ore in only small quantities. As stated in the referenced applications, Gilsonite oil, for purposes of these applications, is a liquid at 25°C. Gilsonite contains about 5 wt. % of that grade Gilsonite oil.
5. Other grades of Gilsonite oil are also available. For example, and as stated in the referenced applications, Gilsonite oil can be further fractionated to an oil having a viscosity of about 5 to about 1,000 cps at 25°C., and specific gravity of about 0.8 to 0.95. Gilsonite contains about 0.1 wt. % of that grade Gilsonite oil.

Declaration of Gary David Fisher
U.S. Application Nos. 10/887,466 & 10/751,276
Attorney's Docket Nos. 1033292-000006 & 1033292-000004
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6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2/9/2009

By:


Gary David Fisher